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September 15, 2020

Hon. Frank P. Geraci, Jr.
Chief United States District Judge
U.S. Courthouse
100 State Street
Rochester, New York 14614

ECF ONLY

Re: *Horn v. Medical Marijuana, Inc., et al.*
Civil Action No.: 1:15-cv-00701 FPG/MJR
Our File No.: 7023

Dear Chief Judge Geraci:

My office represents the defendants Medical Marijuana, Inc. and Red Dice Holdings, LLC (MMI/RDH) in the referenced action. We write to the Court on behalf of all defendants.

On August 18, 2020, all parties jointly requested a postponement and rescheduling of the pretrial conference and pretrial submissions deadlines. The Court granted that request via text order (Doc. 128) and set the final pretrial conference for October 2, 2020 with pretrial submissions due one and two weeks prior to that date and in accordance with the Court's previous Pretrial Order (Doc. 125).

The plaintiff today filed what is styled as a Rule 60 motion for reconsideration (Doc. 129) of the Court's November 21, 2019 Decision and Order (Doc. 124). Plaintiff filed this motion nearly 10 months after the Court issued the challenged decision and order and only four days before defendants were preparing and intending to submit their trial exhibit binders and other pretrial submissions to the Court. Plaintiff's motion, if granted, will substantially affect and change defendants' pretrial submissions. Defendants believe the plaintiff's motion is baseless and was not made "within a reasonable time" as required by Rule 60(c)(1).

For these reasons, if the Court is inclined to hear and decide plaintiff's delayed Rule 60 motion, the defendants intend, if necessary, to make a motion pursuant to your

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Honor's individual rules for an adjournment of the final pretrial conference and related pretrial submission deadlines until after the parties have fully briefed and the Court has issued its decision and order on plaintiff's motion. We ask for the Court's guidance on whether the Court needs or would like the defendants to make such a formal motion.

Thank you for your attention to and consideration of this request.

Respectfully submitted,

MURA&STORM, PLLC



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RAM/sdm

cc: Jeffrey M. Benjamin, Esq.
Hanoch Sheps, Esq.